



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

January 11, 2012

File Number: 2011-7841

Permit Type: Parcel Map

Location: 704 Town and Country (near Washington Ave.) (APNs: 209-07-03,04,05,06,09,08,14,15,16,17,18)

Applicant/Owner: Kier & Wright / CP III T&C Sunnyvale LLC

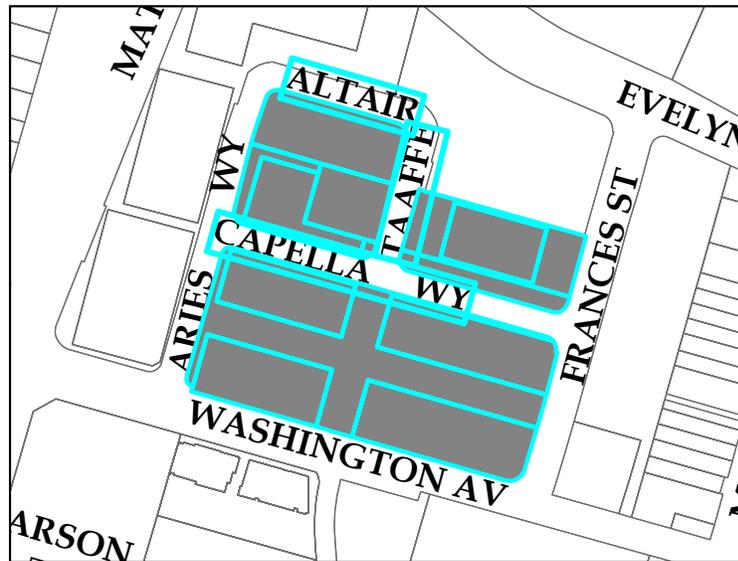
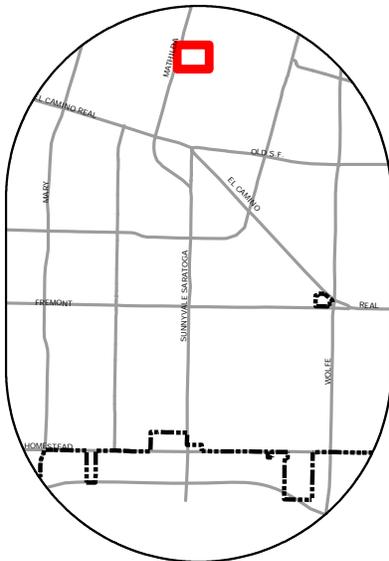
Staff Contact: Shaunn Mendrin, Senior Planner, (408) 730-7429

Project Description: To modify parcel lines for two lots created under the approved Tentative Map 2010-7493

Reason for Permit: The Parcel Map is required to allow modifications to the previously approved Tentative Map.

Issues: None

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	DSP	Same
Zoning District:	DSP – Block 1a	Same
Number of Lots	4	Same

Previous Planning Projects related to Subject Application. <ul style="list-style-type: none"> • 2011-7424: Parcel Map to allow minor modifications to the previously approved Tentative Map. • 2010-7831: Miscellaneous Plan Permit to allow minor modifications to the previously approved SDP. • 2010-7493: Special Development Permit (SDP) and Vesting Tentative Map to the development of 280 residential units and Vesting Tentative Map to allow the reconfirmation of several lots into 4 parcels. 	Yes
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Parcel Map: The project applicant is requesting to modify the previously approved Vesting Tentative Map. The modification entails moving the proposed parcels lines to the back of curb to allow room for devices to treat restaurant grease and stormwater on lots 3 and 4. The property lines will move from the building face out to back of curb along Olson, Aries, Taaffe and Frances. This will allow space for the developer to locate private utilities such as stormwater treatment and grease interceptors in these areas. Both lots 3 and 4 are narrow and development will require the construction of partial and full underground parking resulting in limited space for private mechanical devices. The adjacent development for lots 1 and 2 processed a similar request in July 2011. This area will be subject to a maintenance agreement, similar to the previous Parcel Map from July 2011.

Public Contact: 230 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

Environmental Determination: A Categorical Exemption Class 5 (minor alterations in land) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Tentative Parcel Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can

be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and recommends approval of the Tentative Map.

1. That the subdivision is not consistent with the General Plan.
2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (B.1-8), and recommends approval of the Tentative Map.

ALTERNATIVES:

1. Approve the Parcel Map with recommended Conditions in Attachment A.
2. Approve the Parcel Map with modifications.
3. Deny the Parcel Map.

RECOMMENDATION

Alternative 1. Approve the Parcel Map with recommended Conditions in Attachment A.

Reviewed by:

Steve Lynch

Senior Planner

Prepared By: Shaunn Mendrin, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
January 11, 2012**

Planning Application 2011-7841

704 Town and Country

Vesting Tentative Parcel Map to modify parcel lines for two lots created under
the approved Tentative Map 2010-7493.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE
APPROVED PROJECT.**

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior

to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-3. CONFORMANCE WITH PREVIOUS PLANNING PERMIT:

The subject site shall comply with all conditions of approval and requirements of planning application 2010-7493. [PLANNING] [COA]

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONSISTENCY WITH APPROVED MAP:

Building permit plans shall be consistent with the approved parcel map and minor modifications required by Public Works. [COA] [PLANNING]

TM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

TM-1. MINOR MODIFICATIONS:

The proposed right-of-way locations are subject to minor modifications (e.g. at the curb ramp areas) for all blocks, during the parcel map(s) review process and prior to parcel map(s) recordation. [COA] [PUBLIC WORKS]

TM-2. PUBLIC IMPROVEMENTS:

All public improvements on private property shall be designed and installed per Downtown streetscape standard details and specifications and other applicable City standard details and specifications. [COA] [PUBLIC WORKS]

TM-3. MAINTENANCE AGREEMENT:

Subdivider(s) shall execute maintenance agreement(s), reviewed and approved by the City, to maintain certain public improvements on private property for each block, prior to parcel map recordation or encroachment permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]

TM-4. UTILITY COMPANIES APPROVAL:

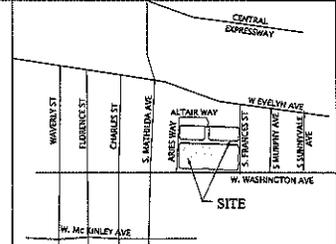
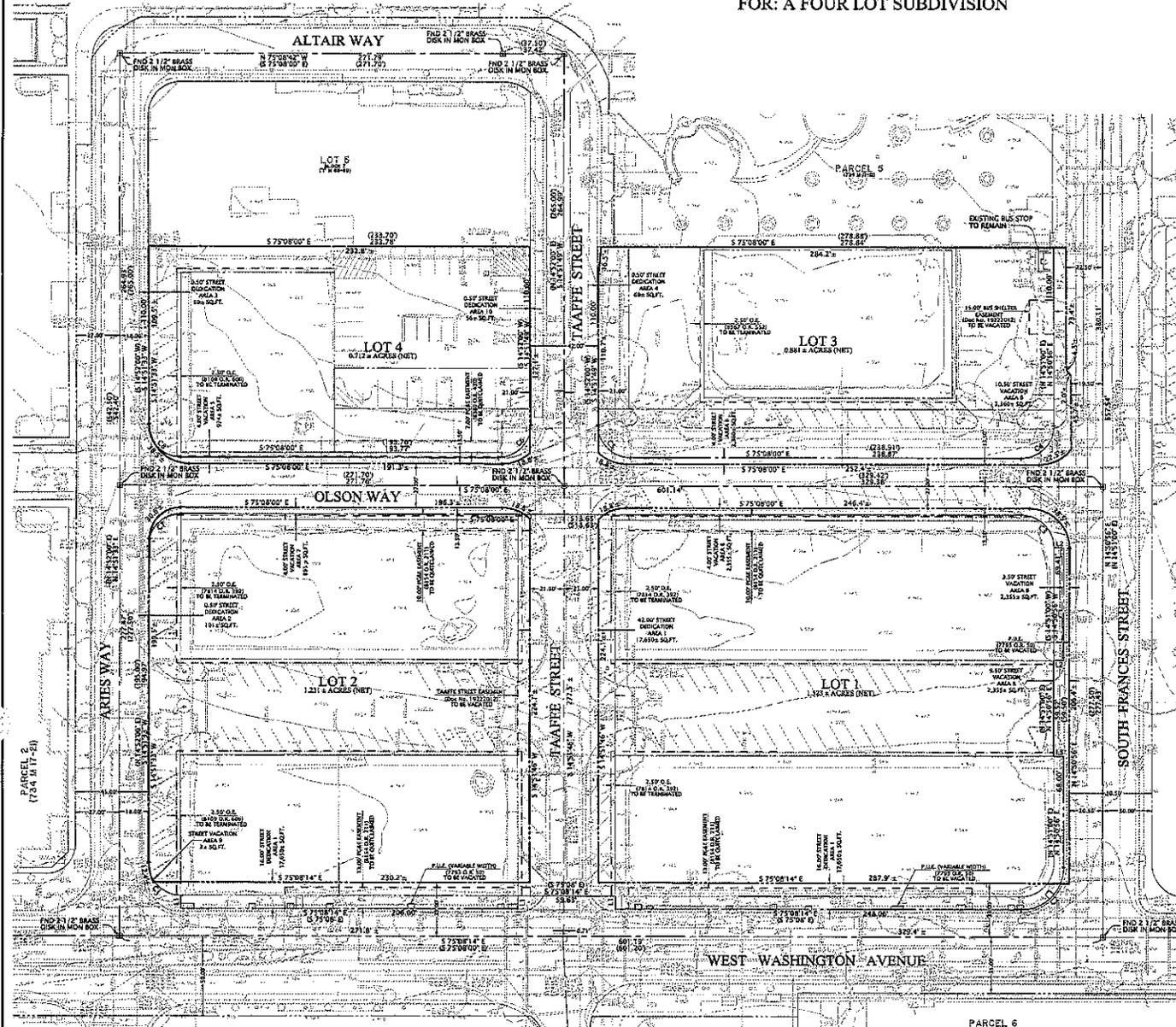
Obtain utility companies' approval prior to parcel map recordation.
[COA] [PUBLIC WORKS]

TM-5. PUBLIC EASEMENT DEDICATION:

As part of the parcel map, dedicate all applicable public easements for improvements that will be maintained by the City or other public utility agencies (such as but not limited to, water meter, utility vaults, etc.) [COA] [PUBLIC WORKS]

VESTING TENTATIVE MAP

FOR: A FOUR LOT SUBDIVISION



- NOTES**
- RECORD OWNER: CF III TAC SUNNYVALE, LLC
 - SUBDIVIDER: CARMEL PARTNERS
 - MAP PREPARED BY: KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.
 - A.P.N.'S: 269-07-003, -004, -005, -006, -008, -009, 269-07-014, -015, -016, -017 & -018
 - EXISTING USE: MIXED USE
 - PROPOSED USE: DOWNTOWN SPECIFIC PLAN
 - EXISTING ZONING: NO CHANGE
 - PROPOSED ZONING: DOWNTOWN SPECIFIC PLAN
 - GENERAL PLAN: 4
 - TOTAL ACRES: 4.609 ± ACRES
 - TOTAL PROPOSED SITE: 4.347 ± ACRES
 - TOTAL EXISTING SITE - 4.609 ± ACRES
 - STREET DEDICATIONS - 0.411 ± ACRES
 - STREET VACATIONS - 0.130 ± ACRES
 - LOT 1 - 1.231 ± ACRES
 - LOT 2 - 0.881 ± ACRES
 - LOT 3 - 0.713 ± ACRES
 - LOT 4 - 0.773 ± ACRES
 - TOTAL PROPOSED SITE - 4.347 ± ACRES
 - NO NEW STREET NAMES PROPOSED.
 - IN ACCORDANCE WITH SUBDIVISION MAP ACT SECTION 56456.1 MULTIPLE FINAL MAPS SECTION 66426(C) MAY BE FILED UNDER THE APPLICABLE OR CONDITIONAL APPROVAL OF THE VESTING TENTATIVE MAP. PHASED FINAL MAPS WILL INCLUDE LOTS THAT CORRESPOND TO BE CONSTRUCTED OR THAT EXIST IN A PARTICULAR PHASE ALONG WITH A COMMON LOT THAT WILL CONSIST OF THAT PORTION OF THE COMMON AREA NECESSARY TO SUPPORT THOSE BUILDINGS. THE SUBDIVIDER RESERVES THE RIGHT TO IMPLEMENT THE ORDER OF THE PHASING AND THE NUMBER OF LOTS TO BE INCLUDED IN ANY GIVEN PHASE OF THE LOT PHASING. LOT NUMBERS MAY DIFFER ON PHASED FINAL MAPS AS LONG AS THE LOT CONFIGURATIONS REMAIN SUBSTANTIALLY THE SAME.
 - UTILITY CONNECTION AND SIZING INFORMATION IS NOT SHOWN AT THIS DATE DUE TO SCHEMATIC NATURE OF SITE PLAN. APPROVAL OF SUCCESSIVE FINAL MAPS WILL REQUIRE APPROVAL OF UTILITY CONNECTIONS TO SERVE SUBJECT LOTS.
 - FLOOD ZONE NOTE: THE SUBJECT PROPERTY IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 060552 0045 H, DATED MAY 18, 2003, AS BEING LOCATED IN FLOOD ZONE "X". AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
 - BENCHMARK: 64 59 BRASS DISK IN TOP OF CURB NEXT TO CATCH BASIN AT THE SOUTHWEST CURB RETURN, INTERSECTION OF SUNNYVALE AVENUE AND EVELYN AVENUE. ELEVATION: 69.32
 - BASE OF BEARING: THE BEARING OF NORTH 25°08'00" WEST, TAKEN AS THE CENTERLINE OF OLSON WAY (FORMERLY CAPILLA WAY) AS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD ON AUGUST 19, 1965 IN BOOK 198 OF MAPS AT PAGE 42, SANTA CLARA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON.

CURVE TABLE			LINE TABLE			ABBREVIATION	
CURVE	RADIUS	DELTA	LENGTH	LINE BEARING	DISTANCE	NO.	NUMBER
C1	20.00'	89°39'47"	31.41'	L1	S14°53'30" W	6.00'	FOUND
C2	26.00'	90°06'48"	40.85'	L2	S75°08'00" E	6.00'	FOUND
C3	20.00'	89°38'58"	31.41'	L3	S75°08'14" E	6.00'	FOUND
C4	20.00'	90°01'00"	31.42'				MONUMENT
C5	20.00'	89°59'50"	31.41'				O.E. OVERSHANG EASEM
C6	20.00'	90°00'10"	31.42'				O.R. OFFICIAL RECORD
C7	20.00'	90°00'27"	31.42'				P.U.E. PUBLIC UTILITY E
C8	20.00'	89°59'52"	31.41'				R.C.E. REGISTERED CHY
							S.F.T. SQUARE FOOTAGE
							S.W.E. SIDEWALK EASEM
							U.E. UTILITY EASEM

LEGEND

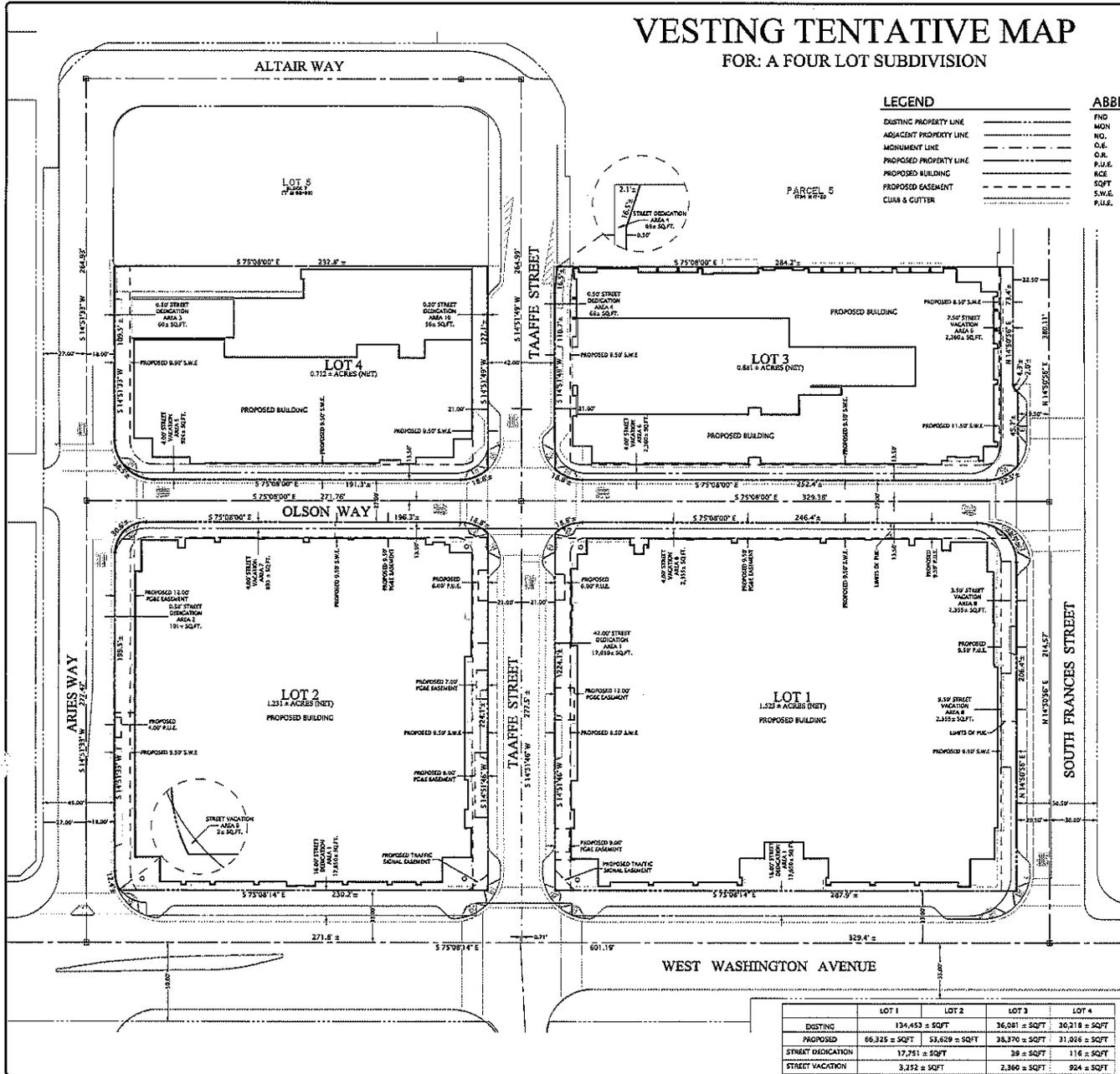
EXISTING PROPERTY LINE	---
ADJACENT PROPERTY LINE	---
CENTRALINE	---
MONUMENT LINE	---
EXISTING EASEMENT	---
PROPOSED PROPERTY LINE	---
FOUND MONUMENT AS NOTED	---

Scale 1" = 30 ft

EXISTING CONDT

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 CIVIL ENGINEERS & SURVEYORS, INC.
 3100 LAMAR AVENUE, SUITE 200
 SAN JOSE, CALIFORNIA 95128
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 (408) 737-3841

VESTING TENTATIVE MAP FOR: A FOUR LOT SUBDIVISION

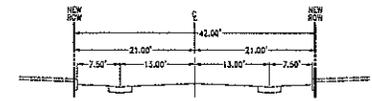


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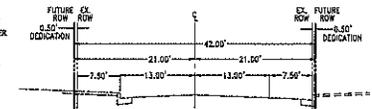
- DISTING PROPERTY LINE
- ADJACENT PROPERTY LINE
- MONUMENT LINE
- PROPOSED PROPERTY LINE
- PROPOSED BUILDING
- PROPOSED EASEMENT
- CLUB & CUTTER

ABBREVIATIONS

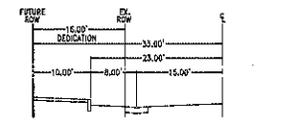
- FND FOUND
- MON MONUMENT
- NO. NUMBER
- O.E. OVERHANG EASEMENT
- O.R. OFFICIAL RECORD
- P.U.E. PUBLIC UTILITY EASEMENT
- R.C.E. REGISTERED CIVIL ENGINEER
- SQFT SQUARE FOOTAGE
- S.W.E. SIDEWALK EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



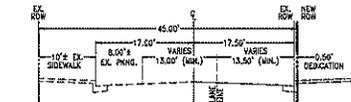
TAAFFE TYPICAL SECTION
(SOUTH OF OLSON WAY)



TAAFFE TYPICAL SECTION
(NORTH OF OLSON WAY)



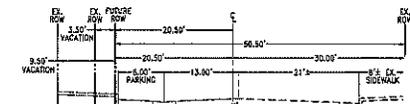
W. WASHINGTON TYPICAL SECTION



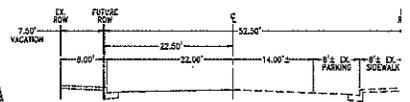
ARIES TYPICAL SECTION



OLSON TYPICAL SECTION

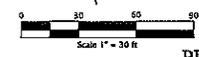


S. FRANCES TYPICAL SECTION
(SOUTH OF OLSON WAY)



S. FRANCES TYPICAL SECTION
(NORTH OF OLSON WAY)

	LOT 1	LOT 2	LOT 3	LOT 4
DISTING	134,453 ± SQFT	36,081 ± SQFT	30,218 ± SQFT	30,218 ± SQFT
PROPOSED	66,325 ± SQFT	53,679 ± SQFT	28,370 ± SQFT	31,016 ± SQFT
STREET DEDICATION	17,751 ± SQFT	38 ± SQFT	116 ± SQFT	116 ± SQFT
STREET VACATION	3,252 ± SQFT	2,366 ± SQFT	924 ± SQFT	



PROPOSED CONDITIONS

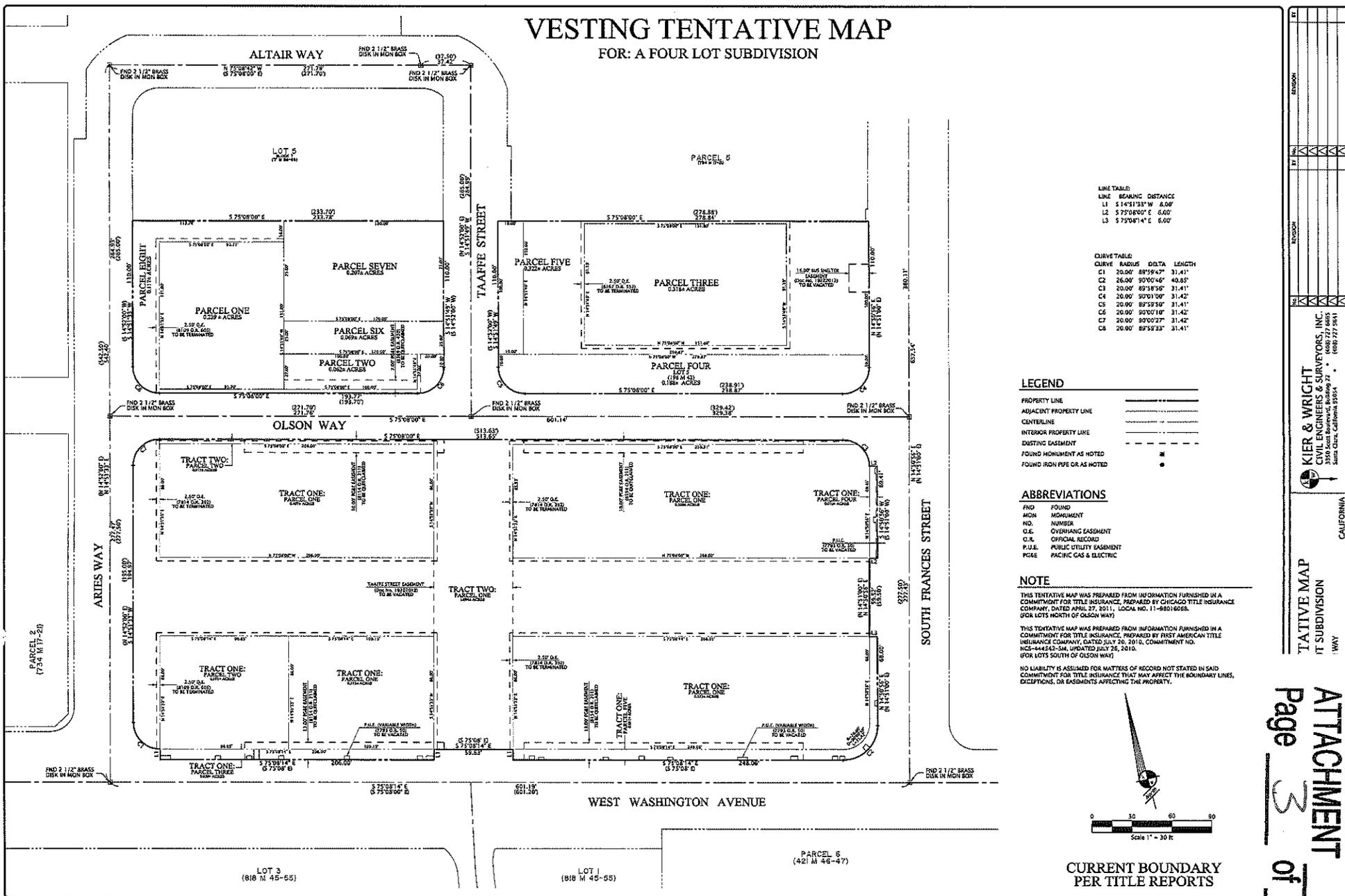
USDA/ARS 11/19/2012 10:10:10 AM VESTING TENTATIVE MAP.C

KIER & WRIGHT
ENGINEERS & SURVEYORS, INC.
3110 S. GARDEN STREET
SANTA ANA, CALIFORNIA 92705
(714) 277-8666
(714) 277-8661

CALIFORNIA

VESTING TENTATIVE MAP

FOR: A FOUR LOT SUBDIVISION



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 14°13'33" W	6.00'
L2	S 75°08'00" E	6.00'
L3	S 75°08'14" E	6.00'

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH
C1	20.00'	89°59'47"	31.41'
C2	25.00'	90°00'45"	40.85'
C3	20.00'	89°58'36"	31.41'
C4	20.00'	90°01'00"	31.42'
C5	20.00'	89°53'58"	31.41'
C6	20.00'	90°02'10"	31.42'
C7	20.00'	90°02'27"	31.42'
C8	20.00'	89°53'33"	31.41'

LEGEND

PROPERTY LINE	—————
ADJACENT PROPERTY LINE	—————
CENTERLINE	—————
INTERIOR PROPERTY LINE	—————
DUSTING EASEMENT	—————
FOUND MONUMENT AS NOTED	●
FOUND IRON PIPE OR AS NOTED	●

ABBREVIATIONS

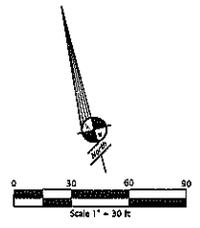
FND	FOUND
MON	MONUMENT
NO	NUMBER
O.E.	OVERHANGING EASEMENT
O.R.	OFFICIAL RECORD
P.U.E.	PUBLIC UTILITY EASEMENT
PG&E	PACIFIC GAS & ELECTRIC

NOTE

THIS TENTATIVE MAP WAS PREPARED FROM INFORMATION FURNISHED IN A COMMITMENT FOR TITLE INSURANCE, PREPARED BY CHICAGO TITLE INSURANCE COMPANY, DATED APRIL 27, 2011, LOCAL NO. 11-68016068, (FOR LOTS NORTH OF OLSON WAY)

THIS TENTATIVE MAP WAS PREPARED FROM INFORMATION FURNISHED IN A COMMITMENT FOR TITLE INSURANCE, PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JULY 20, 2010, COMMITMENT NO. NCS-444342-SM, UPDATED JULY 26, 2010, (FOR LOTS SOUTH OF OLSON WAY)

NO LIABILITY IS ASSUMED FOR MATTERS OF RECORD NOT STATED IN SAID COMMITMENT FOR TITLE INSURANCE THAT MAY AFFECT THE BOUNDARY LINES, EXCEPTIONS, OR EASEMENTS AFFECTING THE PROPERTY.



CURRENT BOUNDARY PER TITLE REPORTS

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
 3300 South Broadway, Suite 27 • Los Angeles, CA 90008
 (818) 277-8881 • Fax: (818) 277-8881

CALIFORNIA
 LICENSED PROFESSIONAL ENGINEER
 LICENSE NO. 44567

ATTACHMENT
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